

## **MINUTES**

### **INDIANA BOARD OF CHIROPRACTIC EXAMINERS**

**MARCH 6, 2008**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Dyer called the meeting to order at 9:00 a.m. in Room 5 of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

**Board Members Present:**

David Dyer, D.C., Chairman  
Charles Cochran, D.C., Vice Chair  
John Bernzott, D.C.  
Marian Klaes-Lanham, D.C.

**Board Members Absent:**

David Frischman, D.C.  
David Davis, D.C.

**State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Kristine Yarde, Assistant Director, Professional Licensing Agency  
Liz Brown, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF AGENDA**

A motion was made and seconded to adopt the agenda, as amended.

KLAES-LANHAM/BERNZOTT  
Motion carried 4-0-0

#### **III. ADOPTION OF THE MINUTES FROM THE JANUARY 10, 2008 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes, as presented, from the January 10, 2008 meeting of the Board.

KLAES-LANHAM/BERNZOTT  
Motion carried 4-0-0

#### **IV. APPEARANCES**

##### **A. PROBATIONARY**

- 1. Wei Chen Yang, D.C., License No. 08001810A**  
Administrative Cause No. 2007 IBCE 0001

Dr. Yang appeared before the Board with Counsel, David Young, regarding her ongoing probationary status. She reported things are going well and she now separates performing her techniques so that patients understand when she is

performing a chiropractic technique or acupuncture. She is in full compliance with her probation order. Her next appearance will be May 1<sup>st</sup>, 2008.

**B. RENEWAL**

**C. APPLICATION**

**1. Bryan Scott Bingham, D.C.**

Dr. Bingham appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Bingham has successfully completed the law examination. Dr. Bingham is a 2002 graduate of Western States Chiropractic College and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Bingham holds a license in the state of Oregon.

**Board Action:** A motion was made and seconded to grant Dr. Bingham chiropractic licensure.

DYER/COCHRAN  
Motion carried 4-0-0

**2. Tiffany Marie Bozovich, D.C.**

Dr. Bozovich appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Bozovich has successfully completed the law examination. Dr. Bozovich is a 2007 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV and Physiotherapy. Dr. Bozovich holds a license in the state of Illinois.

**Board Action:** A motion was made and seconded to grant Dr. Bozovich chiropractic licensure.

DYER/COCHRAN  
Motion carried 4-0-0

**3. David Martin Chavarria, D.C.**

Dr. Chavarria appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Chavarria has successfully completed the law examination. Dr. Chavarria is a 2004 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Chavarria holds a license in the state of Pennsylvania.

**Board Action:** A motion was made and seconded to grant Dr. Chavarria chiropractic licensure.

DYER/COCHRAN  
Motion carried 4-0-0

**4. Peter Anderson Haggenjos, D.C.**

Dr. Haggenjos appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Haggenjos has successfully completed the law examination. Dr. Haggenjos is a 2007 graduate of Life University and has taken and

passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Haggenjos holds a license in the state of North Carolina.

**Board Action:** A motion was made and seconded to grant Dr. Haggenjos chiropractic licensure.

COCHRAN/KLAES-LANHAM

Motion carried 4-0-0

**5. Cassie Lynne Minar, D.C.**

Dr. Minar appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Minar has successfully completed the law examination. Dr. Minar is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Minar does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Minar chiropractic licensure.

COCHRAN/KLAES-LANHAM

Motion carried 4-0-0

**6. Brad Gerard Muhlenkamp, D.C.**

Dr. Muhlenkamp did not appear for the law examination and personal appearance.

**7. Jamie Lynn Murphy, D.C.**

Dr. Murphy appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Murphy has successfully completed the law examination. Dr. Murphy is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Murphy does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Murphy chiropractic licensure.

KLAES-LANHAM/COCHRAN

Motion carried 4-0-0

**8. Mark Allen Sloan, D.C.**

Dr. Sloan did not appear and will be rescheduled for another meeting.

**9. Charles Bryan Strother, D.C.**

Dr. Strother appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Strother has successfully completed the law examination. Dr. Strother is a 1997 graduate of Logan College of Chiropractic and has taken and passed National Board Parts I, II, III, IV, and Physiotherapy. Dr. Strother holds a license in state of Michigan and Washington.

**Board Action:** A motion was made and seconded to grant Dr. Strother chiropractic licensure.

KLAES-LANHAM/COCHRAN  
Motion carried 4-0-0

**10. Adam Gregory Traylor, D.C.**

Dr. Traylor appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Traylor has successfully completed the law examination. Dr. Traylor is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Traylor does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Traylor Chiropractic licensure.

KLAES-LANHAM/COCHRAN  
Motion carried 4-0-0

**D. REQUEST FOR REINSTATEMENT**

**V. ADMINISTRATIVE HEARING**

- A. State of Indiana v. Milton T. Kellum, D.C., License No. 08000419A**  
Administrative Cause No. 2002 IBCE 0003  
Re: Request to Modify Order of Probation

**Parties and Counsel Present:**

Respondent was present and was not represented by counsel.  
Heather Kennedy, Deputy Attorney General for the State of Indiana  
Felicia Warren, Court Reporter

**Participating Board Members:**

Dr. Dyer (Hearing Officer)  
Dr. Cochran  
Dr. Bernzott  
Dr. Klaes-Lanham

**Case Summary:** The Respondent petitioned the Board to modify his probation order. He explained the order was issued on May 28, 2003 when he was still practicing as a chiropractor and the purpose of the quarterly appearances was to review his female patient files. The other stipulation in the probation order required him to obtain twelve (12) hours of continuing education in the area of boundary issues to be completed prior to requesting the probation order be withdrawn. He stated he stopped practicing chiropractic about four (4) years ago and has no intention of practicing in the future. The Respondent has continued to make personal appearances but has had no files to present and has not obtained the stipulated continuing education. Since he is not practicing he is not interested in spending the time and money it would take to obtain the continuing education. He has requested the Board no longer require him to make personal appearances. The State had no objection to the Respondent's request.

**Board Action:** A motion was made and seconded to modify the Probation Order and no longer require personal appearances until such a time he takes action to renew his expired/probationary license.

KLAES-LANHAM/BERNZOTT  
Motion carried 4-0-0

**B. State of Indiana v. Thomas Matthew Brown, D.C., License No. 08002086A**  
Administrative Cause No. 2008 IBCE 0002  
Re: Complaint

**Parties and Counsel Present:**

Respondent was not present and was not represented by Counsel  
Heather Kennedy, Deputy Attorney General for the State of Indiana  
Felicia Warren, Court Reporter

**Participating Board Members:**

Dr. Dyer (Hearing Officer)  
Dr. Cochran  
Dr. Bernzott  
Dr. Klaes-Lanham

**Case Summary:** On January 18, 2008 the Indiana Attorney General's Office filed a complaint against the Respondent alleging that on June 24, 2005 he was convicted of two (2) counts of mail fraud. The United States District Court, Central District of Illinois determined that the Respondent billed the Illinois Department of Public Aid, Medicare and private billing companies for chiropractic services that were actually rendered by his unlicensed wife. Respondent was sentenced to four (4) months imprisonment, four (4) months of home confinement and ordered to pay restitution in the amount of \$53,267.72. On February 28, 2006, the Illinois Department of Financial and Professional Regulation entered into a "Recommendation for Settlement" where Respondent's Chiropractic-Physician license was suspended for a period of six (6) months, upon completion of the suspension, Respondent's Illinois license was immediately placed on probation for a period of three (3) years, ending August 31, 2009. Illinois also stipulated certain probation conditions. The State advised the Board that the Respondent lives in Texas and his Indiana chiropractic license has been expired since July 1, 2006. The State presented the Board with a proposed settlement agreement whereby the Respondent will be placed in Indefinite Probation with the following terms and conditions:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action commenced on January 18, 2008.
2. The parties execute this Agreement voluntarily.
3. Respondent and Petitioner voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial appeal or review.
4. Petitioner agrees that the terms of this Agreement will resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against Respondent's license arising from this Complaint for the period between January 2008 and the date of the Final Order.
5. Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.
6. Respondent has an affirmative duty to report any new actions against any license he holds to practice chiropractic in any state within seventy-two (72) hours of his receipt of notice. Respondent shall forward copies of any disciplinary complaints or action against his license to the Board upon receipt.
7. Respondent's Indiana Chiropractic license shall be placed on **INDEFINITE PROBATION**. Respondent will be able to petition the Board to modify or withdraw his probation once he has successfully completed his Illinois probation.
8. Upon renewal of his Indiana license, Respondent shall submit proof to the Board that he has kept current with Indiana continuing education requirements.
9. The parties agree to the continuing jurisdiction of the Board.

10. The Respondent agrees to pay for a copy of the transcript of the presentation of this Agreement to the Board.

11. It is further agreed that any information received by any other regulatory agency that indicates non-compliance with the statutes or regulations regarding the competent practice of chiropractic medicine or a violation of the Final Order, may result in the State requesting an emergency suspension of Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

**Board Action:** A motion was made and seconded to accept the settlement agreement as proposed.

KLAES-LANHAM/COCHRAN  
Motion carried 4-0-0

**VI. SETTLEMENT AGREEMENTS**

There were no settlement agreements before the Board.

**VII. NOTICE OF PROPOSED DEFAULT**

There was no notice of proposed defaults before the Board.

**VIII. OLD/NEW BUSINESS**

There was no old/new business to discuss.

**IX. DISCUSSION**

There were no items for discussion.

**X. APPLICATION REVIEW**

**A. Endorsement Applications**

There were no endorsement applications to review.

**B. Examination Applications**

There were no examination applications to review.

**C. Temporary Permits**

There were no temporary permits to review

**D. Professional Corporation Applications**

There were no Professional Corporation applications to review

**XI. PROBATIONARY REPORT**

There were no probationary reports given.

**XII. CONTINUING EDUCATION**

There was no continuing education to review.

**XIII. REPORTS**

**A. Indiana State Chiropractic Association**

Patrick Russell addressed the Board and stated the bill containing the PT language was not passed and the assignment of benefits bill went to the House and it will be referred to a summer study committee.

**B. International Chiropractic Association of Indiana**

There was no report given by a representative of ICAI.

**C. Consumer Complaints**

Dr. Bernzott only advised that he hasn't had many to review.

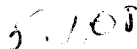
**D. Continuing Education**


There was no report given on continuing education.

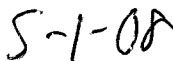
**XIII. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:00 p.m.

  
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David Dyer, D.C. - Chairman

  
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Date

  
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Charles Cochran, D.C. - Vice Chairman

  
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Date